

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VINCENT LUCAS,)	
)	CASE NO.
Plaintiff,)	
)	JUDGE
v.)	
)	
MONITRONICS INTERNATIONAL,)	
INC., <i>et al.</i> ,)	<u>DEFENDANT MONITRONICS</u>
)	<u>INTERNATIONAL, INC.'S NOTICE</u>
Defendants.)	<u>OF REMOVAL OF CIVIL ACTION</u>
)	<u>FROM CLERMONT COUNTY COURT</u>
)	<u>OF COMMON PLEAS</u>

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant Monitronics International, Inc. (“Monitronics”), by and through counsel, hereby removes the above-captioned civil action from the Court of Common Pleas for Clermont County, Ohio, to the United States District Court for the Southern District of Ohio. As grounds for removal of this action, Defendant Monitronics states as follows:

1. An action is currently pending in the Clermont County Court of Common Pleas of the State of Ohio captioned *Vincent Lucas v. Monitronics International, Inc., et al.*, Case No. 2017 CVH 00543 (hereinafter referred to as the “State Court Action”).

2. Pursuant to 28 U.S.C. § 1446(b), a defendant has thirty (30) days from receipt of the complaint to remove. Plaintiff Vincent Lucas (“Plaintiff”) filed the aforementioned action on May 5, 2017. Defendant Monitronics was served with the complaint via certified mail on May 17, 2017. Therefore, this Notice of Removal is timely filed.

3. The United States District Court for the Southern District of Ohio, Western Division, embraces the county in which the State Court Action is now pending. Therefore, this Court is a proper venue for this action pursuant to 28 U.S.C. § 1441(a).

4. Plaintiff Vincent Lucas's claims against the defendants are based, in part, on the U.S. Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter referred to as the "TCPA").

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's claims, because the complaint filed in the State Court Action presents federal questions arising under the federal TCPA.

6. Pursuant to 28 U.S.C. § 1441(a), the State Court Action is removable to this Court, because it is a civil action, brought in state court, over which the district courts of the United States have original jurisdiction.

7. According to the allegations of the complaint filed in the State Court Action, Plaintiff also seeks to base his claims against the defendants under various provisions of Ohio state law.

8. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's claims to the extent that they are based on Ohio state law.

9. As required by 28 U.S.C. § 1446(a), attached as Exhibit A is a copy of the Summons and Complaint, which was served upon Defendant Monitronics on May 17, 2017.

10. Attached as Exhibit B is Plaintiff's Motion for Preliminary Injunction, which was served upon Defendant Monitronics on May 22, 2017, and Defendant Monitronics' Brief in Opposition to the motion, which was filed in the State Court Action on May 25, 2017.

11. Attached as Exhibit C is Plaintiff's Motion to Require Monitronics International, Inc. and Alliance Security, Inc. to Post Surety Bond, which was served upon Defendant Monitronics on May 22, 2017, and Defendant Monitronics' Brief in Opposition to the motion, which was filed in the State Court Action on May 25, 2017.

12. Attached as Exhibit D is a copy of the docket of the State Court Action as of June 1, 2017.

13. Written notice of the filing of this Notice of Removal will be served on Plaintiff and all named defendants, and the notice will be filed with the Clermont County Court of Common Pleas, pursuant to the requirements of 28 U.S.C. § 1446(d).

14. By filing this Notice of Removal, Defendant Monitronics does not intend to waive, and hereby reserves, any objections as to service, personal jurisdiction, or want of service.

15. Defendant Alliance Security, Inc., has indicated its consent to Defendant Monitronics' removal of the State Court Action to federal court. Other than Monitronics, none of the defendants have entered appearances in the State Court Action. Based on the state court docket, it appears all of the defendants have been served except Jessica T. Merrick, Rick A. Merrick, Tyler Coon, and John Doe Companies.

WHEREFORE, Defendant Monitronics prays that this action be removed from the Clermont County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division.

Respectfully submitted,

/s/ John G. Farnan

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**Attorneys for Defendant Monitronics
International, Inc.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 1, 2017, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing instrument was also made by mailing a true and correct copy thereof, in a sealed envelope, postage fully prepaid and by depositing same in the U.S. mail on this 1st day of June, 2017, to the following:

Vincent Lucas
P.O. Box 272
Amelia, OH 45102

Alliance Security, Inc
Serve Registered Agent
National Registered Agents, Inc.
1300 East 9th Street
Cleveland, OH 44114

Defend America, LLC
Ohio Secretary of State
Attn: Paralegal Div/Service of Process
180 E Broad St 16th floor
Columbus, OH 43215

Jessica T. Merrick
7911 Trail Run Loop
New Port Richey, FL 34653-6362

Rick A. Merrick
7911 Trail Run Loop
New Port Richey, FL 34653-6362

Comet Media Inc
c/o Ohio Secretary of State Paralegal Div-Service
180 E Broad St. 16th floor
Columbus, OH 43215

Lucky 7 Inc PH
Serve Registered Agent Ohio Secretary of State
Attn: Paralegal Division Service of Process
180 E Broad St 16th Floor
Columbus, OH 43215

Tyler Coon
Address Unknown

John Doe Companies
Address Unknown

/s/ John G. Farnan

JOHN G. FARNAN

MONICA L. FRANTZ